

SJR 203 -3 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Sub-Referral To: Senate Committee On Rules

Meeting Dates: 2/11, 2/16

WHAT THE MEASURE DOES:

The measure amends the Oregon Constitution, Article I, adding a section to prohibit secret police, to prohibit law enforcement officers performing official duties in the state from wearing masks, and to require such law enforcement officers to wear an official uniform with certain identifying markers unless the officer is undercover or part of a special weapons and tactics team (SWAT) response. The measure refers the amendment to the people for approval or rejection at the next statewide regular general election.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 The amendment replaces the proposed addition to the Oregon Constitution, article 1, with the statement that "The people of Oregon have a right to be free from enforcement of the law by secret police."

Fiscal Impact: Fiscal impact statement issued

Revenue Impact: No revenue impact

BACKGROUND:

"Secret police" is a term that can mean "a police organization operating for the most part in secrecy and especially for the political purposes of its government often with terroristic methods." Merriam-Webster. "Secret Police." Accessed February 12, 2026. <https://www.merriam-webster.com/dictionary/secret%20police>. The term has been used historically to describe police groups from various countries as far back as the 1800s, particularly those in authoritarian regimes (the Nazi gestapo and Russian KGB, for example). Federal law enforcement operations in Oregon have recently come under increased scrutiny, in part because of the federalization and deployment of members of the Oregon National Guard in Portland in 2025 and increased immigration enforcement operations by Immigrations and Customs Enforcement. [Reports](#) have raised concerns about Immigration and Customs Enforcement officers wearing face masks and failing to identify themselves to the people they have arrested, with some news reports and editorials, such as these from [Rolling Stone](#) and [The New York Times](#), describing ICE agents as secret police. Several jurisdictions have proposed laws to regulate the masking and identification of law enforcement officers, including California ([SB627](#), the "No Secret Police Act," passed) ([SB 805](#), passed), New York ([S08462](#)), Tennessee ([SB2011](#)), and the U.S. Congress ([H.R. 4004](#), [S.2212](#)).

The federal government challenged the California laws in federal court in November 2025. The court [granted](#) a preliminary injunction, stopping just the facial covering prohibition from going into effect, holding that the federal government was likely to succeed on its claim that the facial covering prohibition violates the Supremacy Clause of the U.S. Constitution because, by applying to federal law enforcement officers but not to state law enforcement, it impermissibly discriminates against the federal government by treating a state entity more favorably than the federal one. The decision granted the preliminary injunction on the facial covering prohibition but allowed the other enacted provisions to go into effect while the case is pending. The court case is ongoing.

Article XVII, section 1 of the Oregon Constitution provides the method for amending the Constitution. The Legislative Assembly may propose an amendment, which then is referred to the people of Oregon for approval or

rejection. If approved by a majority, the amendment becomes part of the Constitution.

PRELIMINARY